



FOX TELEVISION STATIONS, INC.

5151 Wisconsin Avenue, NW
Washington, DC 20016

Molly Pauker

Vice President, Corporate & Legal Affairs
phone: 202 895 3088
fax: 202 895 3222
e mail: mollyp@foxtv.com

A Unit of Fox Television

June 20, 2005

Shaun Maher, Esq.
Federal Communications Commission
Room 2-A820
445 12th Street, SW
Washington, DC 20554

Re: MB Docket No. 03-15

Dear Mr. Maher:

Fox Television Stations, Inc. ("Fox"), permittee of television station KFCT-DT, Fort Collins, Colorado, File No. BMPCDT-20040618AAD, respectfully requests that the Commission waive the July 1, 2005 "use-it-or-lose-it" deadline for full-power DTV operation adopted by the Commission at paragraph 78 of the Report and Order In the Matter of Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television, MB Docket No. 03-15, RM 9832, released September 7, 2004 (19 FCC Rcd 18,279), pursuant to the procedure set out in Public Notice DA 05-1636, released June 15, 2005.

KFCT is a full-power satellite station that retransmits the signal of sister station KDVR. 1 KFCT-DT has been operating at low power pursuant to Special Temporary Authority (File No. BEDSTA-20020905ACG) since May 1, 2002. Fox has committed a considerable amount of capital towards KFCT-DT's full-power operation, and also has arranged for the equipment installation. The documents attached hereto evidence these facts. Fox respectfully requests that the cost figures in these documents be withheld from public inspection pursuant to Sections 0.457(d) and 0.459 of the Commission's Rules, 47 CFR Sections 0.457(d) and 0.459, as this information is proprietary and not otherwise available for public inspection. To facilitate this request, redacted copies of the documents are attached hereto. A paper copy of this letter also is being filed with unredacted copies of the documents, along with a request for confidential treatment.

Several equipment manufacturers have informed Fox that there will be delays in equipment delivery. KFCT-DT's full-power transmitter antenna was scheduled for shipment on June 3, 2005 but arrived on site on June 8. This was a one-week delay. KFCT-DT's antenna and associated mask filter shipped on June 10 and arrived on site on June 16, a three-week delay. Nevertheless, if all of the necessary equipment is on

Shaun Maher, Esq.

1 KDVR was the first Denver television station to implement full-power digital operations, after prevailing in protracted litigation with a local citizen organization concerned with the health effects of radiofrequency radiation at its site, Lookout Mountain.

site by June 16 and if ideal weather conditions prevail, it should require one week for installation of the transmitter and transmission line, and then only a few additional days for the tower crew to install the antenna. This would put KFCT-DT within a few days of its July 1, 2005 deadline.

However, the location of KFCT-DT's site in the plains east of Denver poses safety risks for the tower crew, not only during the long, severe winter months, but also during most of the spring, as the locale is subject to severe, unpredictable thunderstorms, accompanied by lightning, during spring. As the region's summer climate is less volatile, installation of the antenna may well be delayed until summer. A brief waiver of the "use-it-or-lose-it" deadline until September 30, 2005 would provide for possible delays in installation due to weather. In light of its financial commitment to KFCT-DT's full-power operation to date, Fox's good faith cannot be called into question.

As further evidence of good faith, the Commission merely need look to the overall efforts of Fox Television Stations, Inc. ("Fox") in implementing DTV to date:

- Twenty-five of Fox's owned and operated stations have met all applicable deadlines and currently are operating at full facilities;
- Of Fox's remaining ten owned and operated stations, eight are operating low-power DTV facilities pursuant to STA and will be fully operational within this calendar year, one is operating a low-power DTV facility and will meet its full-power deadline of July 1, 2006, and one, a satellite station that does not have a DTV channel allotment, will "flash cut" to DTV;
- All of Fox's DTV facilities implemented dynamic PSIP in a timely fashion;
- Fox has granted digital carriage rights to numerous multichannel video providers nationwide on behalf of all of its owned and operated stations and includes digital carriage provisions in all of its retransmission consent agreements.

As the foregoing illustrates, Fox's commitment to DTV implementation cannot be questioned, and the modest waiver of time sought for KFCT-DT's full-power operation should be granted.

Respectfully submitted,

Molly Pauker
Vice President, Corporate & Legal Affairs
Fox Television Stations, Inc.

Attachments